THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 16516 of 2007

Dated: 03.09.2007

Between:

Pathipaka Venkateswarlu.

.... PETITIONER

AND

The Singareni Collieries Company Ltd.,
(A Government Company), rep. by its
General Manager BPA (P), Bellampally,
Adilabad District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 16516 of 2007

Order:

The petitioner is working as Mining Sardar at MBK-6 incline, Bellampally, Adilabad District. While so, during periodic medical examination, the Corporate Medical Board, Kothagudem, by letter dated 21.02.2001, declared the petitioner medically unfit to hold the post of Senior Mining Sirdar on the ground that he is suffering from H.I.V. Positive. Based on the said letter, the respondent-Company issued impugned order, dated 21/24.03.2001, terminating the petitioner from service on medical grounds. Questioning the said action of the respondent-Company in terminating his services without providing any alternative employment, under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, the petitioner filed the present writ petition.

When the matter is taken up for admission, learned Standing Counsel for the respondent-Company submits that the respondent-Company is exempted from the provisions of Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. He, however, submits that if the petitioner makes a representation, the respondent-Company will consider the same for providing alternative employment for the reason that the petitioner is suffering from H.I.V. Positive.

Having regard to the facts and circumstances of the case and in view of the submission made by the learned Standing Counsel for the respondent-Company, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is directed to make a representation requesting to provide alternative employment, and on filing such representation, the respondent-Company shall consider the same for providing alternative employment in view of his medical unfitness, and pass appropriate orders thereon in accordance with law, expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 03.09.2007
Nsr